

REMARKS

Following entry of this amendment, claims 6-14, 16-20, and 22-32 will be pending in this application. Claims 1, 3, 4, and 21 are canceled herein without prejudice; claims 6-8, 14, 16-18, 20, and 22-29 are amended; and new claims 30-32 are added. Support for the amendments and new claims can be found throughout the specification as filed, e.g., at page 3, lines 29-33; page 17, lines 22-24; and page 19, lines 28-35. Claims 6, 20, and 22-29 are recast in independent form, and claims 7, 8, 14, and 16-18 are amended to depend from claim 6. Claims 6-13, 16, 18, 20, and 22-29 are currently under consideration. Upon a finding that claim 6 is allowable, applicants request rejoinder of withdrawn claims 14, 17, and 19 and new claims 30-32, each of which depends, directly or indirectly, from claim 6.

35 USC § 112, first paragraph

Claims 1, 3, 4, 7-13, 16, 18, and 21 were rejected as allegedly failing to comply with the written description requirement. Applicants do not concede the rejection. Claim 1, 3, 4, and 21 are canceled herein without prejudice, solely to further prosecution and obtain allowable subject matter. Claims 7-13, 16, and 18 have been amended to depend, directly or indirectly, from claim 6, which was not rejected. Applicants submit that this obviates the rejection.

35 USC § 103

Claim 1, 3, 4, 7-13, and 21 were rejected as allegedly being unpatentable over Scheiflinger et al., U.S. Patent 7,033,590 in view of Paulus, U.S. Patent 4,444,878. Applicants do not concede the rejection for at least the reasons of record. However, claims 1, 3, 4, and 21 are canceled herein without prejudice, solely to further prosecution and obtain allowable subject matter. Claims 7-13, 16, and 18 have been amended to depend, directly or indirectly, from claim 6, which was not rejected. Applicants submit that this obviates the rejection.

Claim 16 was rejected as allegedly being unpatentable over Scheiflinger in view of Paulus, as applied to claims 1, 3, 4, 7-13, and 21 above, and further in view of Zuk et al., U.S. Patent 4,208,479. Claim 18 was rejected as allegedly being unpatentable over Scheiflinger in view of Paulus and Zuk, as applied to claims 1, 3, 4, 7-13, 16, and 21 above, and further in view

of Lollar et al., U.S. Patent No. 5,744,446. Applicants do not concede the rejections. Claims 16 and 18 have been amended to depend from claim 6, which was not rejected. Applicants submit that this obviates the rejection.

Double Patenting

Claims 1, 3, 4, 6-13, 16, 18, and 20-29 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1-8, 17, 19, 22, 25, 28, 29, 36, and 38 of copending Application No. 11/910,836. A response to the double patenting rejections was inadvertently omitted in the previous reply, but Applicants did note at page 19 of that reply that they were not conceding any positions of the Office that were not expressly addressed in the reply. Applicants do not agree with the double patenting rejections. Applicants believe that the only rejections remaining are double patenting rejections, and the claims are otherwise allowable. As Application No. 11/910,836 was filed later than the present application,¹ applicants request withdrawal of the rejection for alleged double patenting in order to allow the present application to issue. See MPEP 804 I.B.1.

Claims 1-13, 15, 16, and 18 were provisionally rejected on the ground of statutory double patenting as allegedly claiming the same invention as that of claims 23-35, 37, and 38 of copending Application No. 10/575,905. Additionally, claims 20-29 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 23-35, 37, and 38 of copending Application No. 10/575,905. A response to the double patenting rejections was inadvertently omitted in the previous reply, but Applicants did note at page 19 of that reply that they were not conceding any positions of the Office that were not expressly addressed in the reply. Applicants do not agree with the double patenting rejections. Solely to further prosecution, claims 23-35, 37, and 38 in Application No. 10/575,905 are being canceled in an amendment of today's date.

¹ Application No. 11/910,836 is the national stage of International Application No. PCT/JP2006/306821, filed on March 31, 2006, which claims priority to Japanese Patent Application Serial No. 2005-112514, filed on April 8, 2005. The present application is the national stage of International Application No. PCT/JP2004/014911, filed on October 8, 2004, which claims the benefit of International Applications No. PCT/JP2003/013123, filed on October 14, 2003, and PCT/JP2003/013062, filed on October 10, 2003.

CONCLUSION

Applicants respectfully submit that all claims are in condition for allowance, which action is requested. Further, applicants request rejoinder of withdrawn claims 14, 17, and 19 and new claims 30-32, which depend from or otherwise include all limitations of claims applicants believe to be allowable.

Applicants do not concede any positions of the Office that are not expressly addressed above, nor do applicants concede that there are not other good reasons for patentability of the presented claims or other claims.

This reply is being submitted with a Petition for Extension of Time and the required fee. The excess claims fee of \$1540 is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other required charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 14875-0160US1.

Respectfully submitted,

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